

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

In the Matter of:)	Board Case No. 2035 M
)	
JOHN R. GUERRA, D.O.)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW AND
Holder of License No. 2228 for the)	BOARD ORDER
Practice of Osteopathic Medicine and)	
Surgery in the State of Arizona.)	
_____)	

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for final consideration and decision at the Board's public meeting held on May 16, 1998. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an Informal Interview on May 16, 1998. During the course of these proceedings, John R. Guerra, D.O. (hereinafter "Respondent") was present.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is the holder of License No. 2228 authorizing him to engage in the practice of osteopathic medicine in the State of Arizona.

2. On July 18, 1996 the Board opened Complaint No. 2035 M based upon receiving information, pursuant to A.R.S. § 20-1742, that a medical malpractice law suit had been filed against Respondent alleging that Respondent was negligent, careless and lacked the appropriate skill in treatment of complainant and complainant's child.

3. On or about February 1, 1994, Respondent passed invasive devices past the cervix of complainant while palpating only the external cervical os, also attaching and applying these devices without further clarifying the presenting part of complainant's child on the other side of the cervix.

4. The standard of care requires an obstetrician to determine what is on the other side of the cervix before introducing any invasive device past the cervix, as well as, palpating the fetal surface before screwing a fetal scalp electrode into it.

5. On May 16, 1998 Respondent appeared before the Board at the Informal Interview and testified that he felt he had treated the patient properly.

CONCLUSIONS OF LAW

1. This matter is within the jurisdiction of the Arizona Board of Osteopathic Examiners in Medicine and Surgery pursuant to A.R.S. § 32-1801, et seq. and the regulations promulgated thereunder.

2. Respondent's action in the care of the complainant and complainant's child was incompetent and demonstrated substandard knowledge violating A.R.S. § 32-1854(6), practice which falls below the community standard, A.R.S. § 32-1854(40), practice which endangers patient's health and A.R.S. § 32-1854(46), practice which is negligent.

3. Respondent's acts in violating A.R.S. § 32-1854, which acts constitute unprofessional conduct, constitute grounds under which the Board may impose disciplinary action against Respondent pursuant to A.R.S. § 32-1855(E).

ORDER

IT IS HEREBY ORDERED that the following disciplinary action is taken against John R. Guerra, D.O. as follows:

1. Dr. Guerra is placed on **PROBATION** for a period of three (3) years and ordered to comply with the following terms and conditions:

(A) Commencing from the date of issuance of this Order, Dr. Guerra shall obtain a minimum of 20 hours of continuing medical education credit per year in the areas of obstetrics. Respondent shall submit to the Board's Executive Director documentation confirming his attendance and completion of the education program approved by the Board; and, this requirement for continuing medical education shall be in addition to the minimum statutory requirement for renewal of Board license as specified at A.R.S. § 32-1825(B).

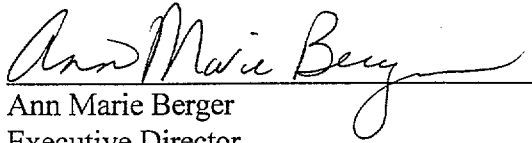
(B) Respondent shall pay all costs arising from the Board's investigation, informal interview hearings and continuing monitoring of the requirements of this Order and, payment of the costs shall be completed within twenty days of receipt of the amount issued by the Board.

(C) In order to assure compliance with the Order, the Board's staff physician shall conduct a review of patient charts and Dr. Guerra shall cooperate in such review by providing a quarterly listing of all patients with nonvertex deliveries with intervention or complications to the Board's Executive Director or the Board staff physician; and, the staff physician shall report on whether the Respondent is in compliance with the terms of this probationary order for maintaining patient records or any other substantial issues regarding quality of care or other possible evidence of unprofessional conduct,.

2. Failure to comply with the terms of this Order shall constitute an act of unprofessional conduct in accordance with A.R.S. §32-1854.26 "Violation of a formal order, probation or a stipulation issued by the board under this chapter."

ENTERED and effective this 17th day of June, 1998.

ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY


Ann Marie Berger
Executive Director

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(return receipt requested) this 17
day of June, 1998 to:

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